

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on July 11, 2006, and the references cited therewith.

Status of the Claims

Claims 1, 8, 12-19 and 21 are amended and claim 31 is added; as a result, claims 1-5, 7-19 and 21-31 are now pending in this application.

Objections

The Office Action indicates that Figure 1 should be designated by a legend such as --Prior Art--. In the Replacement Sheet submitted herewith, Applicants have corrected Figure 1 accordingly.

The Office Action objects to the disclosure because a "Brief Summary of the Invention is needed to comply with the USPTO Guidelines." Applicants respectfully point out that the guidelines provided in the Office Action are not required by 37 CFR 1.77 or any other rule or statute. These are merely a suggested "Arrangement of the Specification." Applicants submit that the disclosure provided by the present application complies with the applicable statute and rules. Accordingly, applicants request that this objection to the disclosure be withdrawn.

Claims 1 and 8 have also been objected to because of minor informalities. Applicants have amended claim 1 in accordance with the examiner's suggestion in the Office Action. Applicants have also amended claim 8 to change "capable of" to --configured to--, which recites a positive limitation. Accordingly, applicants request that the objections to claim 1 and 8 be withdrawn.

35 USC § 101 Rejection of the Claims

Claims 12-18 were rejected under 35 USC § 101 as being directed to non-statutory subject matter. The preamble of independent claim 12 has been amended to recite "A client system." Applicants submit that, as amended, claim 12 is drawn to a client system comprising a client application residing on a computer platform and not to a computer program per se.

Dependent claims 13-18 have been amended consistent with amended claim 12. Accordingly, applicants request that the rejection under 35 USC § 101 be withdrawn.

35 USC §102 Rejection of the Claims

Claims 1-4,12 and 14-18 were rejected under 35 USC § 102(b) as being anticipated by Huitema et al.(AN ARCHITECTURE FOR RESIDENTAL INTERNET TELEPHONE SERVICE , IEEE, Pages 73-82,1999.) Applicants respectfully traverse this rejection.

Independent claim 1 is drawn to a system comprising a stimulus client and a call agent and has been amended to recite “a stimulus client,executing on a computer platform.” Independent claim 12 is drawn to a client system comprising a client application “residing on a computer platform.” One advantage of using a stimulus client on a “computer platform” in the context of IP telephony is the ability to download the client application easily, which may ensure that the most recent version of the client application is being used, as described in the present application, for example, in paragraphs 0016 and 0017.

Huitema does not disclose a stimulus client executing on a computer platform, as recited in amended claim 1, or a client system comprising a client application residing on computer platform, as recited in amended claim 12. The Office Action refers to the residential gateway (RGW) as the stimulus client. Applicant’s respectfully point out that Huitema does not disclose that the RGW is implemented as a computer platform that is capable of downloading and executing software applications. The RGW in Huitema appears to be a special-purpose device that provides an interface between a telephone and the Internet, as shown in Figure 1. Moreover, Huitema does not disclose that the RGW includes an application layer or a call control protocol stack, as recited in independent claim 12.

Because Huitema does not identically disclose each and every element and limitation recited in independent claims 1 and 12, applicants submit that these claims, and the claims dependent therefrom, are not anticipated by Huitema. Accordingly, applicants request that the rejection under 35 U.S.C. 102(b) be withdrawn.

35 USC §103 Rejection of the Claims

Claims 5, 13 and 24-29 were rejected under 35 USC § 103(a) as being unpatentable over Huitema in view of U.S. Patent No. 6,470,020 to Barker et al (“Barker”). Applicants respectfully traverse this rejection.

As discussed above, independent claims 1 and 12 have been amended to recite “a computer platform.” Independent claim 24 is drawn to “Computer software, embodied in a computer-readable medium and/or a propagated carrier signal, comprising instructions for a computer system.” Claims 5, 13 and 24 all recite a user interface having graphical controls. As described in one embodiment in the present application, providing a telephony user interface on a user’s computer platform or system allows the user’s computer to act as a “lightweight” stimulus client while other functionality resides on a feature server (see, e.g., paragraph 0011).

The Office Action relies on Barker as teaching a user interface having graphical controls. Barker discloses an IP Centrex client 401 that “is a personal computer which contains software that emulates a business handset” (see col. 6, lines 25-34). Applicants respectfully submit that one of ordinary skill in the art would not be motivated to apply the teachings of Barker to the system disclosed in Huitema, as proposed in the Office Action. In describing the residential gateway (RGW) on page 75, Huitema states:

Our architecture assumes that an RGW supports at least one PSTN line, MGCP for setting up calls, a network interface, and RTP for voice communication. The phone in Figure 1 can be connected to the RGW via an RJ-11 jack, so customers can reuse their existing telephones. PSTN subscribers can switch to Internet telephony service just by adding the RGW between their existing telephone equipment and their existing telephone line, and get the same services (such as call forwarding, call waiting, 800 service) without observing any differences in the services they subscribe to.

Thus, the intended purpose of the RGW in Huitema appears to be a special-purpose device that provides both an IP telephony connection and a PSTN connection. If the RGW in Huitema was replaced with the IP Centrex client disclosed in Barker, it appears that the system of Huitema would be rendered unsatisfactory for its intended purpose. Such a proposed modification would not have been obvious. See MPEP 2143.01 (V).

Moreover, Barker discloses that “the IP Centrex client 401 initiates an H.323 call over the H.323 data communications network 403” (see col. 6, lines 35-37). As understood by applicants, the IP Centrex client 401 in Barker is sending an H.323 call initiation request and is not

communicating a DTMF input over a packet-based network. In contrast, Huitema discusses the H.323 protocol on page 82 and states “[t]he H.323 model assumes that the CPE or gateway is intelligent.” This suggests that the use of the IP Centrex client and the H.323 protocol in Huitema would require a substantial modification that would change the principle of operation of the RGW in Huitema and would result in more than a “lightweight” stimulus client that communicates a DTMF user input over a packet-based network. Thus, one of ordinary skill in the art would not be motivated to apply the teachings of the IP Centrex client of Barker with the residential gateway (RGW) of Huitema to produce the claimed invention.

Because one of ordinary skill in the art would not have been motivated to apply the teachings of Barker with the Huitema to produce the claimed invention, applicants submit that the proposed combination of references does not establish a *prima facie* case of obviousness. Accordingly, applicants request that the rejection under 35 U.S.C. 103 over Huitema in view of Barker be withdrawn.

Claims 7-11 were rejected under 35 USC § 103(a) as being unpatentable over Huitema in view of U.S. Patent No. 6,950,441 to Kaczmarczyk et al. (“Kaczmarczyk”). Applicants respectfully traverse this rejection.

Claims 7-11 depend, either directly or indirectly, from amended independent claim 1. Applicants submit that the claims 7-11 are patentable based on the dependency from claim 1 as well as for the limitations recited therein. Even if Kaczmarczyk were combined with Huitema, the combination would not result in a stimulus client, executing on a computer platform, which is configured to receive a DTMF input and to communicate the DTMF input over a packet-based network to a call agent. Accordingly, applicants request that the rejection under 35 U.S.C. 103 over Huitema in view of Kaczmarczyk be withdrawn.

Claims 19 and 21-23 were rejected under 35 USC § 103(a) as being unpatentable over Huitema in view of Admitted Prior Art. Claim 30 was rejected under 35 USC § 103(a) as being unpatentable over Huitema in view of Barker and further in view of Admitted Prior Art. Applicants respectfully traverse these rejections.

Independent claim 19 is drawn to a method including, *inter alia*, “in response to receiving user input requesting initiation of Internet Protocol (IP) telephony service, downloading and launching an IP telephony client application to a computer platform associated with the user.”

Dependent claim 30 similarly recites “instructions to receive user input requesting initiation of Internet Protocol (IP) telephony service and, in response to the received user input, download and launch an IP telephony client application.”

As discussed above, Huitema fails to disclose a computer platform to which an IP telephony client application can be downloaded and launched. The residential gateway (RGW) in Huitema is a special-purpose device that connects a conventional telephone to both the PSTN and to a network for IP telephony. Nothing in Huitema suggests that the RGW has the ability to download and launch software in response to a user request. The Office Action relies on Admitted Prior Art and refers to paragraph 0010 of the present application. Applicants respectfully submit that paragraph 0010 describes a process of downloading an IP telephony client according to an embodiment of the invention and never admits to any prior art. Although the concept of downloading software to a computer may be well known, nothing in the prior art suggests the desirability of the combination of downloading an IP telephony client application to a computer platform associated with the user, receiving a DTMF input from the user, and communicating the DTMF input to a feature server, as recited in amended independent claim 19. Applicants submit that the mere knowledge of downloading software would not motivate one skilled in the art to replace the RGW in Huitema with a computer platform that downloads the IP telephony client in response to user input.

Because the Office Action fails to provide adequate evidence of the motivation to modify Huitema as proposed, applicants submit that the Office Action fails to establish *prima facie* obviousness of claims 19, 21-23 and 30. Accordingly, applicants request that the rejection of these claims under 35 U.S.C. 103 be withdrawn.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (603-668-6560) to facilitate prosecution of this application.

Respectfully submitted,

HANI EL-GEHALY ET AL.

By their Representatives,

Customer No. 45459

603-668-6560

By /Kevin J. Carroll/
Kevin J. Carroll
Reg. No. 36,384